REMARKS

The present response amends claims 1, 10-12, 16, 17, and 23-26; claim 4 has been canceled. Claims 1-3 and 5-26 remain pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Section 112 Rejection

Claims 4, 10, 11, 23, and 24 were rejected under 35 U.S.C. § 112, second paragraph. Claim 4 has been canceled rendering rejection thereto moot. In response to the rejection of claims 10, 11, 23, and 24, the objectionable term "bus" connotes a relatively well known term that is dissimilar from the meaning "a hardware connection path" cited in the Office Action (page 2). For example, the term "bus" is generally described as a broadcast and unknown server (BUS) which, in the software meaning, are functional parameters, software libraries, and activating code necessary to bind a payload received by the server with communication, replication, allocation, propagation, and billing abilities of an agent (or process) created by the server (Specification – pg. 27, lines 1-17). There are numerous articles available from the Internet which describe broadcast and unknown server (BUS) architecture, wherein the parameters and software library/code described in the present specification operate to link or bind an incoming payload with the bus.

Therefore, Applicant disagrees with the characterization made on page 2 of the Office Action that the term "bus" used in the claim is somehow repugnant to an ordinary meaning of such term, especially since this term contains a specialized meaning clearly defined throughout the originally filed specification and, specifically, on page 27. However, to expedite prosecution of the captioned case, Applicant has amended claims 10, 11, 23, and 24 so that the term "bus" has been replaced with alternative language as suggested by the Examiner.

The term "bound to a bus" contained in claim 10 entails requesting bus components (parameters, libraries, and activating programming instructions) that are requested when programming instructions (i.e., programming instructions 302 of payload 30 shown in Fig. 3) are executed by server. See, e.g., the Specification, page 27, lines 3-6. By replacing the objectionable terminology with alternative language supported by the present specification, Applicant believes this rejection has been obviated. Accordingly, Applicant respectfully requests removal of this rejection in its entirety.

Section 102 Rejection

Claims 1-12, 17, and 25-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,112,225 to Kraft et al. (hereinafter "Kraft"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California,* 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Using these standards, Applicants submit the cited art fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

Kraft does not teach a network server adapted to receive a payload from a network client and to forward an agent (or process) to a network host, unknown to and dissimilar from the network client, for process execution. Each of the present independent claims 1, 12, 17, 25, and 26 recite three separate computational entities: a network client, a network host, and a network server. Fig. 1 of the present specification clearly illustrates the network server interposed between a network client and a network host. Moreover, because of the bidding process utilized by the financial resolution center as activated from a network server, the network client and network host must be dissimilar from each other and, specifically, the network client and network host do not know the identity of each other and remain anonymous to one another. Description of the dissimilarity between the client and host, and the necessity of maintaining their anonymity is described throughout the specification. *See,* for example, Specification -- pg. 8, lines 20-25; pg. 17, lines 10-14.

The present network server thereby receives a request within a payload from a network client. The request may be simply a request to execute a task. Before that task can be executed, however, the network server will submit a bid proposal to various execution targets or hosts. Depending on the bidding outcome, a host may be awarded the bid (possibly due to it having the lowest bid), and the financial resolution center will then keep track of the accounting functions on getting that particular host paid by a network client, even though the client and host remain anonymous to one another. Payment is resolved through the financial resolution center. However, the task is forwarded from the server after producing an agent (or process) from the payload. Accordingly, the host will only "see" the agent (or process), not the original payload information sent from the client. This is due to the need for maintaining anonymity between the host and the client.

Unlike the present claimed invention, Kraft clearly illustrates a coordinating computer 102 that was characterized in the Office Action as the network server (Office Action -- pg. 3, item 7). If computer 102 is the server and peripheral computer 106 is the network host (as characterized on pg. 3, item 7, of the Office Action), then nowhere in Kraft is there any mention of a network client. More specifically, Kraft makes no mention of a payload sent from a network client to coordinating computer 102 (i.e., network server). If, for example, the Examiner wishes to characterize peripheral computer 106 in Kraft as a network client, rather than a network host, then clearly such a mischaracterization would defeat the intent of Kraft which is to execute subtasks among the plurality of peripheral computers 106. If peripheral computers 106 in Kraft are now somehow those which send payloads rather than executing subtasks, there must be some mention of this hypothetical modification within Kraft. However, since Kraft specifically calls for peripheral computers 106 to execute subtasks, then this type of modification would be inappropriate given a skilled artisan's reading of Kraft. Moreover, the present claims clearly define the network client to be dissimilar from the network host. Thus, peripheral computer 106 in Kraft cannot be both a network client and a network host.

A further distinction between the present independent claims and Kraft is the need for anonymity between a network client and a network host. Not only does Kraft fail to teach a network client, but Kraft specifically does not teach a network client that is unknown to a network host or vice-versa.

Kraft does not teach a network server adapted to receive a payload from a network client that comprises a request. Each of the independent claims recite a payload sent from a network client to a network server. Contained in the payload is a request. Since the Office Action characterized computer 102 as the network server and computer 106 as the network host, there is no characterization given to a network client that sends a payload therefrom. Moreover, there is no characterization given to a payload that comprises a request sent from a network client. The only request contained in Kraft is a request from computer 106 (network host) to computer 102 (network server) that requests a subtask on demand of the host (Kraft – col. 2, lines 30-32; col. 5, lines 3-8). Simply put, the requesting subtask from a network host to a network server in Kraft is not the same as sending a request in a payload from a network client to a network server – especially since a network client is not the same as a network host as claimed. Since Kraft appears to send a request in a direction opposite that of the present independent claims, Applicant believes this additional limitation further distinguishes the present independent claims over Kraft.

For at least the foregoing reasons, Applicant asserts that independent claims 1, 12, 17, 25, and 26, as well as claims dependent therefrom, are not anticipated by the cited art. Accordingly, Applicant respectfully requests removal of this rejection.

Section 103 Rejection

Claims 13-16 and 18-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kraft in view of U.S. Patent No. 6,732,141 to Ellis (hereinafter "Ellis"). In order to sustain the burden of showing a *prima facie* case of obviousness of a claimed invention, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Second, there must be a reasonable expectation of success. As stated in MPEP 2143.01, the fact that references can be hypothetically combined or modified is not sufficient to establish a *prima facie* case of obviousness. *See In re Mills*, 916 F.2d. 680 (Fed. Cir. 1990). Finally, the prior art references must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d. 981 (CCPA 1974); MPEP 2143.03, emphasis added. Specifically, "all words in a claim must be considered when judging the patentability of that claim against the prior art." *In re Wilson* 424 F.2d. 1382 (CCPA 1970). Using these standards, Applicants contend that the cited art fails to teach or suggest all features of the currently pending claims. In addition, the cited art cannot be combined according to the hypothetical combination set forth in the Office Action since to do so would destroy the intended purpose of the references that explicitly teach away from that which is presently claimed. Some distinctive features of the present claims are set forth in more detail below.

The combination of Kraft and Ellis do not teach, suggest, or provide motivation for a network server that receives a payload from a network client and forwards an agent (or process) to a network host, unknown to and dissimilar from the network client. In addition, the hypothetical combination does not teach, suggest, or provide motivation for a network server adapted to receive a payload from a network client that comprises a request. Similar to the arguments made in reference to the § 102 rejection, Applicant believes that not only does Kraft and Ellis individually lack the patentably distinct features of the present independent claims, but also cannot be modified to contain such features. The principle behind Kraft is to allocate subtasks from a coordinating computer to subscribing computers. If somehow the subscribing computers are now network clients, then the subtasks can no longer be executed as host computers. Moreover, if, for example, one peripheral computer is a host and another is a client, then it would be impossible for a client which receives a

subtask to execute that subtask if it is a client as presently claimed. Still further, since each peripheral computer operates on a given subtask broken from a single task, it is imperative that the peripheral computers have a relationship relative to one another. Thus, each computer must not be anonymous to one another as presently claimed.

The deficiencies of Kraft are further compounded in Ellis. Nowhere is there any mention in Ellis of network clients being separate from network hosts, and not known to each other; nor is there any mention of a network server receiving a payload that comprises a request from a network client. Absent the missing nexus, Applicant respectfully traverses this rejection.
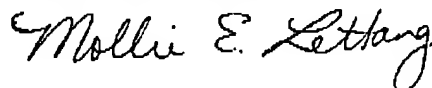
For at least the foregoing reasons, Applicant asserts that independent claims 1, 12, 17, 25, and 26, as well as claims dependent therefrom, are patentably distinct over the cited art. Accordingly, Applicant respectfully requests removal of this rejection.

CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed August 5, 2004. In view of the remarks traversing the rejections presented therein, Applicant asserts that pending claims 1-3 and 5-26 are in condition for allowance. If the Examiner has any questions, comments or suggestions, the undersigned earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to deposit account number 50-3268/ 5468-06600.

Respectfully submitted,

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PAGE 11/11 * RCVD AT 11/5/2004 3:33:15 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID:5127031250 * DURATION (mm-ss):06-26